

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

-----X
SMARTDESKS, INC., and :
PETER J. STENGEL :
Plaintiffs, : CIVIL ACTION NO. MJG-05-3456
: - against -
CBT SUPPLY, INC., and :
JEFFREY KORBER, :
Defendants.
-----X

OPPOSITION TO DEFENDANTS' MOTION TO COMPEL

Plaintiffs, SMARTDESKS, INC. (hereinafter "Plaintiff Smartdesks"), and PETER J. STENGEL (hereinafter "Plaintiff Stengel") by Marcia Stengel, Peter J. Stengel's personal representative (collectively, hereinafter "Plaintiffs"), by and through their undersigned attorneys Conwell, LLC, respond in opposition to Defendants', CBT SUPPLY, INC. (hereinafter "Defendant CBT Supply") and JEFFREY KORBER (hereinafter "Defendant Korber") (collectively, hereinafter "Defendants"), Motion to Compel (Dkt. No. 27), and further state:

1. On May 30, 2006, Plaintiff Smartdesks provided answers to Defendants' First Set of Interrogatories and provided responses to Defendants' First Request for Production of Documents. *The Defendants' Motion to Compel Plaintiff Smartdesks to respond is therefore moot.*
2. Plaintiffs adopt and incorporate the statements in the Plaintiffs' two correspondences to the court, namely Correspondence re: Violation of the Federal and Local Rules re: Defendants' Motion to Compel (Dkt. No. 29) and Correspondence re: Continuing Violation of the Federal

and Local Rules re: Defendants' Motion to Compel (Dkt. No. 32). Plaintiffs specifically note the following issues:

A. Defendants' Rule 104.7 "Certification" (Dkt. No. 30) is erroneous and no discovery conference has occurred or was requested. Defendants never certified as to a discovery conference nor do they address Local Rule 104.7 in any way other than in the title. No conference occurred nor was any meeting date established. No attempt was ever made to resolve the outstanding issues.

B. Defendants have never acknowledged the impossibility of Plaintiff Peter J. Stengel answering their interrogatories or responding to their document request. Defendants have not acknowledged the difficulties of maintaining claims in the face of the death of party. Additionally, Defendants have intentionally caused greater difficulties as noted below.

3. Plaintiffs further adopt and incorporate the Plaintiffs' Opposition To Motion For Kent D.B. Sinclair To Appear *Pro Hac Vice* (Dkt. No. 37) and Plaintiffs' Motion in Limine To Exclude Attorney-Client Privileged Communications And Related Derived "Evidence" (Dkt. No. 46) that describe additional and continuing harmful violations of the federal and local rules and intent to cause harm and burden non-parties currently in mourning over the death of their husband and father. Defendants have refused all reasonable accommodations and communications. Plaintiffs note the following docketed entries addressing erroneous filings made by the Defendants with this Court (Dkt. Nos. 30, 31, 40, 41, 42).

WHEREFORE, Plaintiffs request that this Honorable Court deny the subject motion as moot or otherwise unjustified.

Respectfully submitted,

CONWELL, LLC

/s/ _____
SCOTT A. CONWELL
U.S. Dist. Ct. Bar No. 15008

2138 Priest Bridge Court, Suite No. 4
Crofton, MD 21114
(410) 451-2707
FAX: (410) 451-2706

Counsel for Plaintiffs

Dated: May 30, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of May, 2006, a true and correct copy of the foregoing Opposition to Defendants' Motion to Compel was served via E-file on the following counsel of record:

James M. Mesnard
Seyfarth Shaw LLP
815 Connecticut Ave., N.W.
Suite 500
Washington, DC 20006

/s/ _____
Scott A. Conwell